

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3965 OF 2019

Vishal Ulhas Tamboli ... Petitioner

Versus

The State of Maharashtra and anr. ... Respondents

Mr. Saurabh Butala for the petitioner.

Adv Unmesh Breed for respondent no. 2.

Dr. F.R. Shaikh, APP for the respondent State.

CORAM : B.P. DHARMADHIKARI &
NITIN R. BORKAR, JJ.
DATE : JANUARY 16, 2020

P.C.:

Prayer is to quash and set aside FIR under section 376(N) of Indian Penal Code.

2. Respondent no.2 complainant has tendered affidavit giving no objection. She is present in court and orally also she has given no objection.

3. We have perused the statement recorded in support of the FIR. Learned APP submits that the petitioner as also respondent no. 2 have wasted time of police and public money and therefore, reasonable cost should be imposed.

4. As we find that the relation was consensual and in any case

nothing fruitful will come out of the prosecution, we are inclined to intervene. Subject to petitioner and respondent no. 2 paying cost of Rs.10,000/- each to Police Welfare Fund of the State of Maharashtra within four weeks from today, we make the rule absolute in terms of prayer clause (A).

(NITIN R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)